

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DEBORAH JANE LUTZ,**

**Plaintiff,**

**v.**

**7:15-CV-0828 (BKS/DJS)**

**CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,**

**Defendant.**

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**Appearances:**

Counsel for Plaintiff:

Jaya A. Shurtliff, Esq.

Barney F. Bilello, Esq.

Stephanie Viscelli, Esq.

Stanley Law Offices, LLP

215 Burnet Avenue

Syracuse, NY 13203

Counsel for Defendant:

Richard S. Hartunian, United States Attorney

Lauren E. Myers, Esq.

Special Assistant United States Attorney

Social Security Administration

Office of Regional General Counsel, Region II

26 Federal Plaza - Room 3904

New York, NY 10278

**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

**INTRODUCTION**

Plaintiff Deborah Jane Lutz filed this action under 42 U.S.C. § 405(g) seeking review of a decision by the Acting Commissioner of Social Security denying Plaintiff's applications for Disability Insurance Benefits, Period of Disability and Supplemental Security Income. Dkt. No.

1. Subsequently, this matter was referred to United States Magistrate Judge Daniel J. Stewart for a Report-Recommendation. Dkt. No. 3; Local Rule 72.3(d). On September 8, 2016, Magistrate Judge Stewart issued a Report-Recommendation recommending that the Commissioner's decision be affirmed. Dkt. No. 16. Magistrate Judge Stewart advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. Dkt. No. 16, p. 20. No objections to the Report-Recommendation have been filed.

As no objections to the Report and Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report and Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report and Recommendation for clear error and found none, the Report and Recommendation is adopted in its entirety.

For these reasons, it is

**ORDERED** that the Report-Recommendation (Dkt. No. 16) is **ADOPTED** in its entirety; and it is further


**ORDERED** that the Commissioner's decision is **AFFIRMED**; and it is further

**ORDERED** that the Complaint (Dkt. No. 1) is **DISMISSED**; and it is further

**ORDERED** that the Clerk of the Court is directed to close this case.

**IT IS SO ORDERED.**

September 27, 2016  
Syracuse, New York

  
Brenda K. Sannes  
U.S. District Judge